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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000259

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TAGS: [PGOV](#) [PINR](#) [PINS](#) [IZ](#)  
SUBJECT: GOI MISHANDLES HIT AND RUN INCIDENT

Classified By: Deputy Political Counselor Greg D'Elia for reasons 1.4 (b,d).

¶1. (C) Summary: A January 15 traffic incident involving Iraqi Chief Justice Medhat's Protective Security Detail (PSD) and an Iraqi Army (IA) checkpoint led to death and injury, with school children among the victims. Iraqi authorities initially denied any involvement, claiming that a taxi had caused the accident, and only reluctantly admitted blame in the face of mounting press coverage and eyewitness accounts. The GOI mishandling of this incident took place against a backdrop of continuing Iraqi sensitivities over PSD and government official accountability. Medhat's PSD consists entirely of Iraqis; there are no ties between this accident and the USG. End Summary.

Hit and Run  
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¶2. (SBU) A January 15 Associated Press (AP) newswire reported that school children had been run over by a vehicle belonging to Judge Medhat's convoy during the panic that ensued after an exchange of gunfire between Judge Medhat's PSD and IA soldiers at a checkpoint. Coalition Forces (CF) and an e-PRT member confirmed this account after speaking with eyewitnesses and family members of the victims.

¶3. (SBU) According to witnesses, on January 15 at approximately 0750, a Ministry of Justice (MOJ) PSD convoy consisting of approximately eight vehicles was traveling west along Nassiri Street in the Karkh District of Baghdad. IA checkpoint guards explained that this PSD drops off its principal regularly at a nearby television station and then proceeds west past Massara Elementary School. One of the convoy vehicles appears to have lost control, possibly the result of excessive speed, and ran into a group of school children. IA checkpoint guards attempted to detain the driver and a scuffle and gunfire broke out between the guards and the MOJ PSD.

¶4. (SBU) CF and e-PRT team member arrived at the scene approximately four hours later and spoke with eyewitnesses, victims and their families. In follow-up conversations, victims declared that they had yet to receive any formal apology from the GOI, although the Iraqi Police Investigator told CF that the Ministry of Education would send 250,000 Dinars (167 USD) to the families of the victims. Furthermore, interaction with the MOJ PSD reportedly left some victims' families feeling intimidated. The Baghdad Operations Command (BOC) reports that one pedestrian was killed instantly and four were taken to hospital, where two reportedly died from their injuries. The driver later turned himself in at an Iraqi Police station.

Background  
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¶5. (SBU) Chief Justice Medhat al-Mahmoud is the head of the

Iraqi judiciary. He is the Chief Justice of the Federal Supreme Court, the Chief Judge of the Court of Cassation, and the President of the Higher Judicial Council (HJC). It is in this last role that he is most important to the establishment of rule of law in Iraq, because the HJC manages the Iraqi judiciary's personnel, policies, and infrastructure (including nearly 100 courthouses). Medhat has a core PSD group of 15, made up of personnel from MOI (Iraqi Police), HJC, and MOJ. Nine members of this group have received some training from the US Marshal Service (USMS); the driver in question has not received this training. This PSD protects Medhat at all times, including when he is inside the International Zone (IZ).

¶6. Comment: (C) The initial incident appears to have been a tragic accident. However, the likely recklessness in driving, the PSD use of force against local law enforcement, and later public stonewalling by the MOJ highlight GOI shortcomings in their interactions with the local populace and attitude towards rule of law. Locals feel that GOI convoys and PSD operate with wanton disregard for public safety. It remains unclear, for instance, why the PSD would travel with excessive speed on a route that regularly passes a school, especially after the principal has been dropped off. When faced with a problem, GOI officials did not conduct themselves in the spirit of transparency and reconciliation, but rather by denying, obfuscating and even threatening. It is worth noting that Karkh District's central location has a high concentration of GOI institutions and officials; its citizens serve as a barometer of popular perception of the GOI. The Embassy Rule of Law (ROL) Office and Baghdad PRT ROL report that Judge Medhat has since expressed great remorse for the incident and has offered reparations to the families of the victims via tribal mediation; e-PRT has not yet received confirmation of any compensation. The e-PRT

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talked to one of the fathers of the victims who said he was offered an envelope of money this week, which he refused, but it was not through the district's traditional leaders. Daily interactions such as this erode GOI credibility with constituents. End Comment.

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